

**UNITED STATES DISTRICT COURT OF THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: DIGITEK PRODUCT
LIABILITY LITIGATION

MDL Case No.: 2:08-md-1968

THIS DOCUMENT RELATES TO:

McCornack v. Actavis, 09-cv-0671

**NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEAL FOR THE FOURTH CIRCUIT**

Plaintiffs Kathy McCornack, Daniel McCornack Jr., and Ralph McCornack hereby appeal to the United States District Court of Appeal for the Fourth Circuit from the Final Appealable Order of the District Court, entered November 3, 2011, in this multi-district litigation [2:09-cv-671 Docket No. 149; 2:09-cv-671 Docket No. 150; 2:08-md-1968 Docket No. 608¹], and all appealable interlocutory orders entered therein.

Respectfully Submitted.

Dated: December 3, 2011

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¹ 2:09-cv-671 Docket No. 149 and 2:08-md-1968 Docket No. 608, both entitled Pretrial Order #87, granted Defendants' Motion to Exclude Unreliable Hearsay [2:08-md-1968 Docket No. 527]; Defendants' Motion to Strike the Affidavit of Lynne Farrell [2:08-md-1968 Docket No. 572]; Defendants' Motions to Exclude the Decedent's Postmortem Blood Digoxin Concentration and the Expert Testimony of Richard Mason, M.D., and Keith Gibson, and for Summary Judgment [2:09-cv-671 Docket No. 120]; Defendants' Motion to Strike the Affidavit of Lynne Farrell [2:09-cv-671 Docket No. 144]; and Defendants' Motion to Strike Plaintiffs' Exhibit 620, the declaration of Dr. Bliesner [MDL Docket No. 579 and 2:09-cv-671 Docket No. 145].

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2011, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: December 3, 2011

/s/ Don A. Ernst
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